FILE COPY

Office Supreme Court,
FILED
NOV 15 193

Nos. 403 and 404

In the Supreme Court of the United States

OCTOBER TERM, 1935

GEORGE ASHWANDER ET AL., PETITIONERS

v.

TENNESSEE VALLEY AUTHORITY ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE FIFTH CIRCUIT

MOTION BY THE TENNESSEE VALLEY AUTHORITY TO ADVANCE

In the Supreme Court of the United States

OCTOBER TERM, 1935

Nos. 403, 404

GEORGE ASHWANDER ET AL., PETITIONERS

v.

TENNESSEE VALLEY AUTHORITY ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE FIFTH CIRCUIT

MOTION BY THE TENNESSEE VALLEY AUTHORITY TO ADVANCE

The Attorney General, pursuant to Rule 20, paragraphs 3 and 6, of this Court, moves to advance the above-entitled cause for a hearing on or as near the sixteenth day of December, 1935, as may be agreeable to the Court.

This suit was brought by minority stockholders of the Alabama Power Company to annul a contract of January 4, 1934, between the power company and the Authority, which provided for the sale to the Authority of certain transmission lines at Wilson Dam, the interchange of power, and a territorial division of services. The District Court an-

30186—35

nulled and enjoined performance of the contract on the ground that the transaction was for an unconstitutional purpose, and granted certain additional injunctive relief which had been prayed for. The Circuit Court of Appeals sustained the validity of the transaction and reversed the decree, but stayed its mandate pending final determination of the cause by this Court. (R. 1313.)

Because of the importance of the matters which have been drawn in question, and the fact that the Circuit Court of Appeals has stayed its mandate, the Tennessee Valley Authority is handicapped in its administration, pursuant to the Tennessee Valley Authority Act, of the property committed to it by that Act. The Government stated in its memorandum on petition for certiorari that the questions presented are of obvious public importance, and for that reason did not oppose the granting of the writ in No. 403. We believe that an early determination of those issues will promote the public interest.

Respectfully submitted.

HOMER CUMMINGS,
Attorney General.

NOVEMBER 1935.

U. S. GOVERNMENT PRINTING OFFICE: 1935